

NBC Bay Area

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Update: Strong criticism from Congressman Dennis Kucinich (D-OH) calling on Inspector General to review the FDA's investigation of "death treats." He joins Senator Boxer and Rep. Jerry McNerney in urging FDA to find out what's killing American pets.

FDA expands its investigation into certain jerky treats imported from China and a Bay Area retailer halts new orders of Milo's Kitchen.

Original Story First Aired July 29, 2012:

Rachael Chambers' four dogs are family.

The Morgan Hill woman says it was heartbreaking when three of them became sick after eating Milo's Kitchen chicken jerky treats made by Del Monte.

Dachshund-mix Liz had diarrhea and wouldn't eat and chihuahua-mix Jack stopped eating and had to undergo weeks of veterinary treatment for his liver. But it was Shepherd-mix Cali who couldn't be saved.

Cali died after her stomach twisted, ruptured, and exploded. "It was violent and she did not deserve the way that she died," said an emotional Chambers.

She immediately notified the Food and Drug Administration about Cali's death, and agreed to

take her dog to the University of California at Davis, so FDA veterinarians could perform a necropsy. The report, conducted by Dr. Renate Reimschuessel of the FDA, says “numerous toxicologic tests were run” but the “cause for gastric upset and vomiting in this dog ...remains undetermined.”

Veterinarian Jaspar Harika treated Cali and Jack initially. He says in his Morgan Hill practice, he’s seen an increase in the number of dogs sickened after owners fed them chicken jerky treats. He says he is advising owners to avoid these treats. “If they are causing vomiting and diarrhea, they are causing discomfort to the pet,” Harika said.

This week, after being contacted by Chambers, Senator Barbara Boxer issued a letter to the FDA to ask why the agency has not issued a recall. Congressman Jerry McNerney is also urging the FDA to step up its investigation with this letter to the FDA commissioner. Monday, Representative Dennis Kucinich blasted the FDA, saying, “By allowing the treats to stay on the market as the years-long investigation drags on, the FDA is guaranteeing more pets will die. Why?”

Since 2007, the FDA has received more than 1,800 complaints about chicken jerky treats. The FDA has issued three warnings in the past five years, saying “chicken jerky treats may be associated with illness in dogs.” The full warning can be seen [here](#).

The agency has posted just 242 of the more than 1800 complaints [here](#).

An NBC Bay Area analysis found the brands with the most complaints were Nestle’s Waggin’ Train, and Kingdom Pets.

Despite the FDA warnings, the treats are still on shelves at Target, Walmart, Costco, Petco and PetSmart.

Craig Wilson, Costco vice president of food safety and quality assurance, says Costco carries chicken jerky treats made by Kingdom Pets and Waggin’ Train, both made in China, as well as Nature’s Deli, made by Kasel Industries in the U.S.

Wilson says extensive monthly tests by Costco have shown no contaminants in any of the treats and no difference in incidence between Chinese or U.S. made products. “We test these things the same way we test human foods. We look at a complete microbial screen for pathogens and spoilage organisms including salmonella, listeria and e. coli. We also test for chemicals and heavy metals and the items are fully irradiated,” said Wilson. “There’s no data to support the link between these [sick] dogs and the treats.”

PetSmart provided this statement to NBC Bay Area regarding its decision not to stop sales or post the FDA warning about chicken jerky treats: “PetSmart stays current on information issued by the FDA. At this time, no required or voluntary recalls have been issued by the FDA or any of the manufacturers of the chicken jerky products we carry so these products have not been removed from shelves.”

Walmart stated: “We are aware of the concerns surrounding chicken jerky from China and we have been in contact with the FDA regarding this ongoing investigation. If evidence is found linking a contaminant to our products, we will take appropriate action.”

Petco did not respond to requests for comment. Target said it could not comment because of pending litigation.

Pet owners have turned to the Internet to stop sales of these products. This petition against Nestle now has more than 66,000 signatures.

Chambers has also started this petition in Cali’s memory.

Bay Area chain Pet Food Express does not and has never carried the Del Monte or Nestle Purina products, but it has posted the FDA warning to educate customers

“We know our customers don’t shop here exclusively and they are going to have questions about chicken treats. We want to give them as much information as possible,” said co-founder Michael Levy.

He says Pet Food Express carefully tracks customer complaints and has not recorded a

difference between chicken treats from China and those from the U.S. “We would not carry anything we wouldn’t feed our own pets,” said Levy.

The FDA says it has tested for bacteria, mold and chemicals in nearly 300 treats sent in by consumers, but nothing has surfaced to prompt a recall. The agency recently posted the results of those tests [here](#).

“This does not represent all the testing that has been done,” said FDA spokeswoman Tamara Ward. The FDA does continue to actively investigate the problem and its origin.”

Meanwhile anguished pet owners are pursuing two class action lawsuits against Del Monte and Nestle Purina.

Attorney Shawn Khorrami is suing Del Monte on behalf of Susan Webster, a Southern California woman who says her dog was sickened by Milo’s Kitchen treats.

In the lawsuit, she claims the companies failed to properly investigate and test the potential toxicity of Milo’s Treats, wrongfully marketed the product, failed to warn consumers about the potential dangers and did not recall or discontinue sale of the treats.

She wants the chicken jerky removed from the shelves and seeks unspecified damages. Khorrami says the suit also seeks to force the FDA to release what it found after recent inspections of the facilities where these treats are made. “The FDA has gone to China and inspected the facilities but we can’t get the results of that,” said Khorrami. The FDA says releasing those inspections would reveal trade secrets.

Del Monte and Nestle say they extensively test their products for safety. Nestle even posted this [video](#) to show pet owners how the Waggin’ Train treats are made.

Kingdom Pets posts testing data on its site. They say their chicken jerky treats come from the “same suppliers for KFC China and McDonalds China” and have “never tested positive for known contaminants.”

Treat makers repeat their products are safe if fed as directed. In Cali's case, the maximum recommended portion on the Milo's Kitchen treat bag is between 4-5 pieces for a dog of her size.

Chambers says she only fed Cali one or two treats, and her smaller dogs, Jack and Liz, were given a single treat each. "We did not give them the entire bag of treats. Even if I gave them the whole bag, if you eat a whole box of Ding Dongs you're not gonna die," said Chambers.

Chambers says she hopes retailers will at least post the FDA warning near the products. "By...just giving me a simple advisory that said this could cause illness or death I would not have purchased that and my dog would still be here today," said Chambers.

If you suspect your pet was sickened from treats or any other pet product, you can [click here](#) to file a complaint with the FDA.